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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA

9 Plaintiff,

10 v.

11 HENRI WETSELAAR, M.D.,

12 Defendant.
13

Case No. 2:11-CR-00347-KJD-CWH

14 **ORDER**

15 Presently before the Court for consideration is the Report and Recommendation (#206) of
16 Magistrate Judge Carl W. Hoffman, Jr. entered on November 19, 2015, recommending that
17 Defendant's motion to dismiss count 14 of the superseding indictment (#187) be denied. Defendant
18 filed an objection (#208) on November 30, 2015, to which the Government responded (#212).

19 The Court has conducted a *de novo* review of the record in this case in accordance with 28
20 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation
21 (#206) of the United States Magistrate Judge entered November 19, 2015, should be **ADOPTED** and
22 **AFFIRMED**. The Magistrate Judge correctly concluded that count 14 of the superseding indictment
23 does not lack specificity but sufficiently pleads the elements of the offense, and provides a list of
24 allegedly structured transactions, including the date, amount, and account into which the structured
25 funds were deposited. The Court is in accord with the Magistrate's conclusion that count 14
26 sufficiently alleges Defendant's violation of 31 U.S.C. § 5324(a)(3), fairly informs Defendant of the

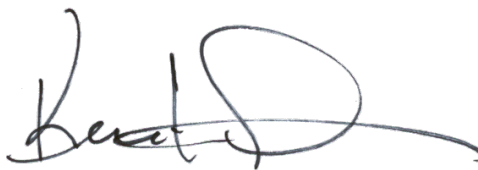
1 charges against him, and enables Defendant to plead an acquittal or conviction in bar of future
2 prosecutions for the same offense. Further, despite Defendant's characterization of the evidence and
3 authority, the Magistrate Judge's well-reasoned analysis of the facts and law correctly determined
4 that the superseding indictment was not duplicitous as count 14 only alleges one violation of §
5 5324(a)(3) and not distinct and separate offenses.

6 Accordingly, IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
7 Recommendation (#206) entered November 19, 2015, are **ADOPTED** and **AFFIRMED**;

8 IT IS FURTHER ORDERED that Defendant's motion to dismiss count 14 of the superseding
9 indictment (#187) is **DENIED**.

10 DATED this 25th day of April 2016

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Kent J. Dawson
United States District Judge